

AMENDED IN SENATE JUNE 22, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 28, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1342**

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**Introduced by Assembly Member Steinorth**  
*(Coauthors: Assembly Members Cooley and Kim)*

February 27, 2015

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An act to amend Section 1938 of the Civil Code, and to amend Sections 4459.8, 4467, and 8299.06 of the Government Code, relating to disability access, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1342, as amended, Steinorth. Disability access.

(1) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a Certified Access Specialist (CASp). Existing law requires each applicant for CASp certification or renewal to pay certain fees, and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CASp program.

This bill would require applicants for CASp certification or renewal to additionally provide to the State Architect information about the city, county, or city and county in which the applicant intends to provide or

has provided services, and would require the State Architect to post that information on his or her Internet Web site.

(2) Until December 31, 2018, existing law requires any applicant for a local business license or equivalent instrument or permit, or renewal of a local business license or equivalent instrument or permit, to pay an additional fee of \$1 for that license, instrument, or permit. Under existing law, the city, county, or city and county that collected the fee retains 70% of the fee, and the remaining 30% of the fee is deposited into the Disability Access and Education Revolving Fund, a continuously appropriated fund.

This bill would extend the operation of those provisions indefinitely. By increasing the revenue deposited into a continuously appropriated fund, this bill would make an appropriation.

(3) Existing law requires a commercial property owner or lessor to state on every lease form or rental agreement executed on or after July 1, 2013, whether the property has been determined by a CASp to meet all applicable construction-related accessibility standards.

This bill, for every lease form or rental agreement executed on or after July 1, 2016, would require the commercial property owner or lessor to provide the lessee or tenant with a current disability access inspection certificate and inspection report or a copy of a CASp inspection report, or would require a statement on the form or agreement that, upon request of the *lessee or tenant*, the property owner ~~will arrange for~~ *may permit a CASp inspection of the property subject premises at the lessee's or tenant's expense; expense and that the parties must mutually agree on the arrangements for the time and manner of the inspection.*

(4) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including, but not limited to, developing educational materials and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete. Existing law provides that those provisions shall not remain operative unless funds are appropriated for those purposes.

This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program and to make the commission's educational materials and information available to other state agencies and local building departments. The bill would also appropriate the sum of \$120,000 from the General Fund to the commission for the 2015–16 fiscal year for the purpose of establishing 2 permanent outreach coordinator positions.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1938 of the Civil Code is amended to  
2 read:  
3 1938. (a) A commercial property owner or lessor shall state  
4 on every lease form or rental agreement executed on or after July  
5 1, 2016, whether or not the ~~property being leased or rented has~~  
6 *subject premises have* undergone inspection by a Certified Access  
7 Specialist (CASp).  
8 (b) If the ~~property being leased or rented has~~ *subject premises*  
9 *have* undergone inspection by a CASp and, to the best of the  
10 commercial property ~~owner~~ *owner's* or lessor's knowledge, there  
11 have been no modifications or alterations completed or commenced  
12 between the date of the inspection and the date of the lease or rental  
13 agreement which have impacted the ~~property's~~ *subject premises'*  
14 compliance with construction-related accessibility standards, the  
15 commercial property owner or lessor shall provide, prior to  
16 execution of the lease or rental agreement, a copy of any report  
17 prepared by the CASp in response to that inspection to the lessee  
18 or tenant.  
19 (c) If the ~~property has~~ *subject premises have* been issued a  
20 current disability access inspection certificate, as described in  
21 Section 55.53, the commercial property owner or lessor shall  
22 provide a copy of the current disability access inspection certificate  
23 and any inspection report to the lessee or tenant within seven days  
24 of the date of the execution of the lease form or rental agreement.  
25 (d) If the ~~property has~~ *subject premises have* not been issued a  
26 current disability access inspection certificate, the commercial

1 property owner or lessor shall state the following on the lease form  
2 or rental agreement:

3  
4 “A Certified Access Specialist (CASP) can inspect the ~~property~~  
5 *subject premises* and determine whether ~~it complies~~ *the subject*  
6 *premises comply* with all of the applicable construction-related  
7 accessibility standards under state law. Although state law does  
8 not require a CASp inspection of ~~this property~~, *the subject*  
9 *premises*, the commercial property owner ~~will arrange for~~ or lessor  
10 ~~may permit the lessee or tenant to obtain~~ a CASp inspection of  
11 ~~this property~~ *the subject premises for the occupancy or potential*  
12 *occupancy of the lessee or tenant*, at the lessee’s or tenant’s  
13 expense, if requested by the ~~tenant.~~ *lessee or tenant. The parties*  
14 *shall mutually agree on the arrangements for the time and manner*  
15 *of the CASp inspection.”*

16 SEC. 2. Section 4459.8 of the Government Code is amended  
17 to read:

18 4459.8. (a) The certification authorized by Section 4459.5 is  
19 effective for three years from the date of initial certification and  
20 expires if not renewed. The State Architect, upon consideration of  
21 any factual complaints regarding the work of a certified access  
22 specialist or of other relevant information, may suspend  
23 certification or deny renewal of certification.

24 (b) (1) The State Architect shall require each applicant for  
25 certification as a certified access specialist to do the following:

26 (A) Pay fees, including an application and course fee and an  
27 examination fee, at a level sufficient to meet the costs of application  
28 processing, registration, publishing a list, and other activities that  
29 are reasonably necessary to implement and administer the certified  
30 access specialist program.

31 (B) Provide to the State Architect information about the city,  
32 county, or city and county in which the applicant intends to provide  
33 services.

34 (2) The State Architect shall require each applicant for renewal  
35 of certification to do the following:

36 (A) Pay a fee sufficient to cover the reasonable costs of  
37 reassessing qualifications of renewal applicants.

38 (B) Provide to the State Architect information about the city,  
39 county, or city and county in which the applicant has provided  
40 services since the last day of certification by the State Architect.

1 (3) The State Architect shall periodically review its schedule  
2 of fees to ensure that its fees for certification are not excessive  
3 while covering the costs to administer the certified access specialist  
4 program. The application fee for a California licensed architect,  
5 landscape architect, civil engineer, or structural engineer shall not  
6 exceed two hundred fifty dollars (\$250).

7 (c) All fees collected pursuant to this section shall be deposited  
8 into the Certified Access Specialist Fund, which is hereby created  
9 in the State Treasury. Notwithstanding Section 13340, this fund  
10 is continuously appropriated without regard to fiscal years for use  
11 by the State Architect to implement Sections 4459.5 to 4459.8,  
12 inclusive.

13 (d) The State Architect shall post on his or her Internet Web  
14 site information about the city, county, or city and county in which  
15 each certified access specialist provides or intends to provide  
16 services.

17 SEC. 3. Section 4467 of the Government Code is amended to  
18 read:

19 4467. (a) Any applicant for a local business license or  
20 equivalent instrument or permit, and from any applicant for the  
21 renewal of a business license or equivalent instrument or permit,  
22 shall pay an additional fee of one dollar (\$1) for that license,  
23 instrument, or permit, which shall be collected by the city, county,  
24 or city and county that issued the license, instrument, or permit.

25 (b) The city, county, or city and county shall retain 70 percent  
26 of the fees collected under this section, of which up to 5 percent  
27 of the retained moneys may be used for related administrative costs  
28 of this chapter. The remaining moneys shall be used to fund  
29 increased certified access specialist (CASp) services in that  
30 jurisdiction for the public and to facilitate compliance with  
31 construction-related accessibility requirements. The highest priority  
32 shall be given to the training and retention of certified access  
33 specialists to meet the needs of the public in the jurisdiction as  
34 provided in Section 55.53 of the Civil Code.

35 (c) The remaining 30 percent of all fees collected under this  
36 section shall be transmitted on a quarterly basis to the Division of  
37 the State Architect for deposit in the Disability Access and  
38 Education Revolving Fund established under Sections 4465 and  
39 4470. The funds shall be transmitted within 15 days of the last day  
40 of the fiscal quarter. The Division of the State Architect shall

1 develop and post on its Internet Web site a standard reporting form  
2 for use by all local jurisdictions. Up to 75 percent of the collected  
3 funds in the Disability Access and Education Revolving Fund shall  
4 be used to establish and maintain oversight of the CASp program  
5 and to moderate the expense of CASp certification and testing.

6 (d) Each city, county, or city and county shall make an annual  
7 report, commencing March 1, 2014, to the Legislature and to the  
8 Chairs of the Senate and Assembly Committees on Judiciary, and  
9 the Chair of the Senate Committee on Budget and Fiscal Review  
10 and the Chair of the Assembly Committee on Budget, of the total  
11 fees collected in the previous calendar year and of its distribution,  
12 including the moneys spent on administrative services, the moneys  
13 spent to increase CASp services, the moneys spent to fund  
14 programs to facilitate compliance, and the moneys transmitted to  
15 the Disability Access and Education Revolving Fund. A report to  
16 be submitted pursuant to this subdivision shall be submitted in  
17 compliance with Section 9795.

18 SEC. 4. Section 8299.06 of the Government Code is amended  
19 to read:

20 8299.06. (a) A priority of the commission shall be the  
21 development and dissemination of educational materials and  
22 information to promote and facilitate disability access compliance.

23 (b) The commission shall work with other state agencies,  
24 including the Division of the State Architect and the Department  
25 of Rehabilitation, to develop educational materials and information  
26 for use by businesses to understand its obligations to provide  
27 disability access and to facilitate compliance with  
28 construction-related accessibility standards.

29 (c) The commission shall develop and make available on its  
30 Internet Web site, or make available on its Internet Web site if  
31 developed by another governmental agency, including Americans  
32 with Disabilities Act centers, toolkits or educational modules to  
33 assist a California business to understand its obligations under the  
34 law and to facilitate compliance with respect to the top 10 alleged  
35 construction-related violations, by type, as specified in subdivision  
36 (a) of Section 8299.08. Upon completion of this requirement, the  
37 commission shall develop and make available on its Internet Web  
38 site, or work with another agency to develop, other toolkits or  
39 educational modules that would educate businesses of the

1 accessibility requirements and to facilitate compliance with that  
2 requirement.

3 (d) The commission shall post the following on its Internet Web  
4 site:

5 (1) Educational materials and information that will assist  
6 building owners, tenants, building officials, and building inspectors  
7 to understand the disability accessibility requirements and to  
8 facilitate compliance with disability access laws. The commission  
9 shall at least annually review the educational materials and  
10 information on disability access requirements and compliance  
11 available on the Internet Web site of other local, state, or federal  
12 agencies, including Americans with Disabilities Act centers, to  
13 augment the educational materials and information developed by  
14 the commission.

15 (2) A link to the Internet Web site of the Division of the State  
16 Architect's Certified Access Specialist (CASP) Program to assist  
17 building owners and tenants in locating or hiring a CASp.

18 (e) The commission shall, to the extent feasible, coordinate with  
19 other state agencies and local building departments to ensure that  
20 information provided to the public on disability access requirements  
21 is uniform and complete, and make its educational materials and  
22 information available to those agencies and departments.

23 (f) The commission shall establish a permanent legislative  
24 outreach coordinator position and a permanent educational outreach  
25 coordinator position.

26 SEC. 5. For the 2015–16 fiscal year, the sum of one hundred  
27 twenty thousand dollars (\$120,000) is hereby appropriated from  
28 the General Fund to the California Commission on Disability  
29 Access for the purpose of establishing the outreach coordinator  
30 positions described in subdivision (f) of Section 8299.06 of the  
31 Government Code.